

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

MAY 23 2006

ANNIE G. ELDRIDGE,

Plaintiff,

v.

JACK IN THE BOX, INC.,

Defendant.

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Michael N. Milby, Clerk of Court

CIVIL ACTION NO. H-03-4224

ORDER OF DISMISSAL AND FINAL JUDGMENT

By Order entered June 15, 2005, the Court ordered enforcement of the settlement agreement made by the parties at mediation. Now pending is Defendant's Motion to Dismiss (Document No. 43), in which Defendants show that Plaintiff Annie G. Eldridge has failed and refused to execute the settlement documents required for consummation of the agreed settlement that the Court ordered enforced. Moreover, Plaintiff has refused to respond to written inquiries and to Defendants' repeated efforts to comply with the Court's Order entered June 15, 2005.

Plaintiff also has not responded to oppose Defendants' pending motion to dismiss (Document No. 43), and the motion is therefore deemed unopposed. See Local Rule 7.4. Accordingly, because Plaintiff has wholly failed and refused to comply with the Court's Order dated June 15, 2005, has failed to respond or communicate with Defendants notwithstanding numerous requests that she do so at least to explain why she has not complied with the Court's Order,

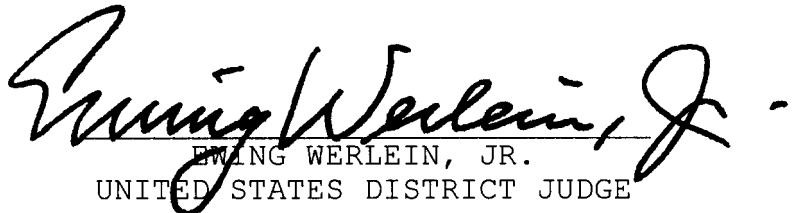
and, notwithstanding due notice to her of the pending motion for dismissal based on the foregoing, has filed no opposition to Defendants' Motion to Dismiss, the Court finds that the motion should be granted. It is therefore

ORDERED that Defendants' Motion to Dismiss the Claims and Causes of Action of Plaintiff Annie G. Eldridge (Document No. 43) is GRANTED, and Plaintiff Annie G. Eldridge's claims and causes of action against Defendants Jack in the Box, Inc. and Jack in the Box Eastern Division L.P., are DISMISSED without prejudice.

This is a **FINAL JUDGMENT**.

The Clerk shall notify all parties and provide them with a true copy of this Order.

SIGNED at Houston, Texas on this 22nd day of May, 2006.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE